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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,663	10/22/2003	Gerald Wilson Grove	839-1482	6480
30024	7590	06/29/2005	EXAMINER	
NIXON & VANDERHYE P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			CASAREGOLA, LOUIS J	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,663	GROVE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Louis J. Casaregola	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-12, 16-18 is/are rejected.
- 7) ☒ Claim(s) 6-15, 19-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                                     |

### ***Objections To Claims***

Claims 8 and 10-15 are objected to under 37 CFR 1.75(a) for the following reasons:

In claim 8, line 4, "the gas turbine" lacks antecedent basis.

In claim 10, line 7, "the machine" lacks antecedent basis.

In claim 10, lines 10 and 13, "the rotary machine" lacks antecedent basis.

In claim 10, lines 16 and 17, "the controller" lacks antecedent basis.

Claims 11-15 depend from and include the objectionable material in claim 10.

### ***Claim Rejections - 35 USC 112***

Claims 5 and 12 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 5 and 12 recite that "the desired temperature level" is "at a high temperature during cool down and hot restart" (lines 2-3), and "at the desired temperature during steady state operation" (lines 4-5). The language in lines 2-3 describing the desired temperature as "high" is vague and indefinite – high relative to what? Furthermore, the language in lines 4-5 describing the desired temperature as "at the desired temperature" is meaningless.

***Claim Rejections - 35 USC 102***

Claims 1, 3 and 5 are rejected under 35 USC 102(b and/or e) as being anticipated by either Aihara et al or Dicke et al.

The claimed method is sufficiently broad to be readable on the operation of any engine or rotary machine compartment having a temperature-responsive ventilation fan. Such systems are well known in the prior art as shown by either of the cited references. See for example Aihara's Figure 2 and note engine compartment 26 having fans 27 and 28, which are operated in response to temperature as described in Aihara's abstract. See also Dicke's Figure 1 and note engine compartment 20 having fan 10, which is likewise operated in response to temperature as described by Dicke's abstract.

***Claim Rejections - 35 USC 103***

Claims 2, 4, 10-12, and 16-18 are rejected under 35 USC 103(a) as being unpatentable over Schroeder in view of Aihara et al.

Schroeder discloses a ventilated gas turbine engine compartment substantially identical to the machine/engine compartment of the present invention; compare Schroeder's Figure 1 with applicants' Figure 1 and note the roof, walls, air inlets, air outlets, fans, etc. While Schroeder's fans 35 and 37 are not specifically disclosed as being


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controlled in response to temperature, it is clear that one of the functions of such fans is to remove excess heat from the engine compartment; see for example, column 1, lines 21-26. It would have thus been an obvious expedient for improved performance to modify Shroeder's engine compartment to include a temperature responsive fan control operating on the same basic principle as conventional engine compartment fan controls, such as that disclosed by Aihara.

***Allowable Subject Matter***

Claims 6-9, 13-15 and 19-22 contain allowable subject matter but are objected to as depending from rejected parent claims. If rewritten in independent form, these claims will be allowed. Allowance of claims 8 and 13-15 is further contingent upon overcoming the objection under 37 CFR 1.75(a) set forth above.

L. J. Casaregola  
571-272-4826 (M-F; 7:30-4:00)  
703-872-9306 FAX  
June 27, 2005

  
**LOUIS J. CASAREGOLA**  
**PRIMARY EXAMINER**

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If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).